

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 7:17-CR-00142

USM Number: 20000-006

RODNEY LAMBIRTH

Defendant,

**NOTICE OF INTENT TO FILE A REPLY TO THE GOVERNMENT’S RESPONSE TO
DEFENDANT’S MOTION TO REDUCE SENTENCE PURSUANT TO
18 U.S.C. § 3582(c)(1)(A)(i)**

Undersigned counsel for Rodney Lambirth respectfully give the Court and the Government notice that they intend to file a reply to the Government’s response to Mr. Lambirth’s Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (Dkt. 68).

The local criminal rules are silent on whether a party may file a reply in support of a motion. However, the local civil rules provide that “[a] party may file a reply in support of a motion” within seven days from the filing of the opponent’s response. L.R. CV-7(f)(1), (f)(2). At the same time, the local rules state that “[t]he court need not wait for a reply before ruling on a motion.” Local R. CV-7(f)(2).

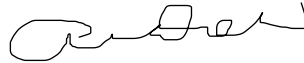
While the local rules give the Court the discretion to rule on Mr. Lambirth’s pending motion without waiting for him to reply to the Government’s response, Mr. Lambirth respectfully hopes that the Court will defer action until he has had the opportunity to reply.

Mr. Lambirth’s motion pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) constitutes a vital safeguard to ensure that Mr. Lambirth will not die in prison given the gravity of his medical condition. The serious question presented cannot be reliably resolved without a full presentation

of the issues, and such a full presentation will only be available if the moving party has an opportunity to reply.

Dated: May 2, 2022.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2022, I electronically filed the foregoing Notice of Intent to File a Reply to the Government's Response to Mr. Lambirth's Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) with the Clerk of the Court using the CM/ECF system which will send notification of filing to Assistant United States Attorney Brandi Young.

s/ Na'eem Conway

Na'eem Conway, Manager of Docketing Services
Jenner & Block LLP